

**IN RE: LITHIUM ION BATTERIES
ANTITRUST LITIGATION**

Master File No.: 13-MD-2420 YGR

Case No.: 15-CV-02987

This Order Relates to:

**ORDER DENYING WITHOUT PREJUDICE
ADMINISTRATIVE MOTION TO SEAL**

DELL INC., *et al.*,

Plaintiffs,

LG CHEM, LTD, *et al.*,

Defendants.

Plaintiff has moved the Court for an Order sealing various portions of its Complaint. (Dkt. No. 3.) While the Ninth Circuit has not squarely addressed the appropriate standard to apply in considering a request to seal portions of a complaint, the Court agrees with others in this District that have applied the “compelling reasons” standard. *See Delfino Green & Green v. Workers Compensation Solutions, LLC*, No. 15-CV-02302-HSG, 2015 WL 4235356, at *2 (N.D. Cal. July 13, 2015); *In re NVIDIA Corp. Derivative Litig.*, No. 06-CV-06110-SBA, 2008 WL 1859067, at *3 (N.D. Cal. Apr. 23, 2008); *In re Google Inc. Gmail Litig.*, No. 13-MD-02430-LHK, 2013 WL 5366963, at *2 (N.D. Cal. Sept. 25, 2013) (“The Ninth Circuit has not explicitly stated the standard—good cause or compelling reasons—that applies to the sealing of a complaint, but this Court and other courts have held that the compelling reasons standard applies because a complaint is the foundation of a lawsuit.”). Under that standard, a “party seeking to seal judicial records must show that ‘compelling reasons supported by specific factual findings . . . outweigh the general history of access and the public policies favoring disclosure.’” *Id.* (quoting *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006)). The trial court must weigh relevant

1 factors including the “public interest in understanding the judicial process and whether disclosure
2 of the material could result in improper use of the material for scandalous or libelous purposes or
3 infringement upon trade secrets.” *Id.* at 679 n.6 (quoting *Hagestad v. Tragesser*, 49 F.3d 1430,
4 1434 (9th Cir. 1995)). While the decision to grant or deny a motion to seal is within the trial
5 court’s discretion, the trial court must articulate its reasoning in deciding a motion to seal. *Id.* at
6 679. Given the importance of the competing interests at stake, any sealing order must be narrowly
7 tailored. Civ. L.R. 79-5 (a).

8 Plaintiffs seek to seal four of their six causes of action—namely those asserting breach of
9 contract—including the identities of the defendant(s) against whom those claims are asserted. The
10 logical effect of plaintiffs’ request would be to seal almost the entirety of their case, including all
11 proceedings related thereto. Plaintiffs have provided insufficient justification for sealing the
12 identities of the defendant(s) or the entirety of the purported “highly confidential” contract terms at
13 issue, particularly where doing so would necessarily result in almost this entire case being tried
14 outside of the public’s view. The motion is therefore **DENIED WITHOUT PREJUDICE** to plaintiffs
15 filing of a renewed request within **seven (7) days** of the date of this Order. If plaintiffs do not file a
16 renewed request, they shall file an un-redacted version of the Complaint on the public docket by
17 that same deadline.

18 This Order terminates Docket Number 3.

19 **IT IS SO ORDERED.**

20 Dated: August 27, 2015


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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